

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)

All Cases Naming the STOPNC Defendants)

STOPNC DEFENDANTS' NOTICE OF FILING MOTION TO DISMISS

Saint Thomas Outpatient Neurosurgical Center, LLC ("STOPNC"); Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN, CNOR; and Vaughan Allen, MD ("STOPNC Defendants") give notice that the STOPNC Defendants filed a Motion to Dismiss¹ for noncompliance with Tenn. Code Ann. § 29-26-122, based on the Court's ruling that the Tennessee Health Care Liability Act applies to these claims.² The Motion was filed in a "global" fashion, and lists the cases subject to dismissal with prejudice. Given that certain cases have been selected as bellwethers, the STOPNC Defendants file this Notice to ensure that the Court and all parties know that the STOPNC Defendants have moved for dismissal of *Temple*, one of the seven (7) bellwether cases.

¹ Doc. 2871.

² February 29, 2016 Opinion and Order on Motions for Partial Summary Judgment, Doc. 2700.

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

/s/ Chris J. Tardio

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* Admitted pursuant to MDL Order No. 1.

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 16th day of May, 2016.

/s/ Chris J. Tardio